

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PABLO BERLANGA,
Plaintiff,

v.

THE POINTE REHAB AND HEALTH
CARE CENTER, INC., *et al.*,
Defendants.

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CIVIL ACTION NO. H-10-3453

MEMORANDUM AND ORDER

This case is before the Court on the Motion to Dismiss [Doc. # 14] filed by Defendant Kathleen Sebelius, Secretary of Health and Human Services, to which no opposition was filed. Plaintiff Pablo Berlanga seeks an order compelling Secretary Sibelius “to compel Defendants to stop abusing, neglecting, or exploiting Plaintiff” pursuant to his claim under the Older Americans Act of 2006. *See* Complaint [Doc. # 1], ¶¶ 110-111. The Older Americans Act of 2006 does not confer a private right of action. *See Trivedi v. United States*, 320 F. App’x 679, 681 (9th Cir. 2009) (citing *Northwest Airlines, Inc. v. Transp. Workers Union*, 451 U.S. 77, 94 (1981)); *see also Schneider v. United States*, 301 F. App’x 187, 189 n.2 (3rd Cir. 2008). As a result, it is hereby

ORDERED that Secretary Sibelius’s Motion to Dismiss [Doc. # 14] is
GRANTED.

SIGNED at Houston, Texas, this **29th** day of **April, 2011**.



Nancy F. Atlas
United States District Judge